



January 25, 2008

HOUSE BILL No. 1249

DIGEST OF HB 1249 (Updated January 24, 2008 2:14 pm - DI 14)

Citations Affected: IC 21-14; noncode.

Synopsis: Tuition exemption for Purple Heart recipients. Provides that an Indiana resident who: (1) enters active duty service in the armed forces of the United States or the Indiana National Guard after September 10, 2001; (2) receives the Purple Heart decoration; (3) suffers a service connected disability of a least 20%, and (4) satisfies other criteria; is exempt from tuition and fees at state educational institutions.

Effective: July 1, 2008.

Klinker

January 14, 2008, read first time and referred to Committee on Veterans Affairs and Public Safety.
January 24, 2008, amended, reported — Do Pass.

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HB 1249—LS 6854/DI 103+



January 25, 2008

Second Regular Session 115th General Assembly (2008)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2007 Regular Session of the General Assembly.

HOUSE BILL No. 1249

A BILL FOR AN ACT to amend the Indiana Code concerning higher education.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 21-14-1-4, AS ADDED BY P.L.2-2007, SECTION
2 255, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2008]: Sec. 4. "Eligible applicant":

4 (1) for purposes of IC 21-14-4, refers to a person who is eligible
5 for an educational costs exemption for children of veterans under
6 IC 21-14-4;

7 (2) for purposes of IC 21-14-6, refers to a person who is eligible
8 for an educational costs exemption for the children or surviving
9 spouse of a public safety officer under IC 21-14-6; and

10 (3) for purposes of IC 21-14-7, refers to a person who is eligible
11 for an educational costs exemption for children and spouses of
12 National Guard members under IC 21-14-7.

13 (4) **for purposes of IC 21-14-10, refers to a person who is**
14 **eligible for an educational costs exemption for Purple Heart**
15 **recipients under IC 21-14-10.**

16 SECTION 2. IC 21-14-10 IS ADDED TO THE INDIANA CODE
17 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE

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JULY 1, 2008]:

Chapter 10. Tuition and Fee Exemption for Purple Heart Recipients

Sec. 1. This chapter applies to a person who:

- (1) after September 10, 2001, enters on active duty service from a permanent home address in Indiana;
- (2) receives an honorable discharge;
- (3) receives the Purple Heart decoration for service described in subdivision (1);
- (4) after September 10, 2001, suffers a service connected disability of at least twenty percent (20%), as determined by the United States Department of Veterans Affairs;
- (5) is eligible to pay the resident tuition rate at the state educational institution the person will attend as determined by the institution; and
- (6) possesses the requisite academic qualifications.

Sec. 2. An eligible applicant is entitled to enter, remain, and receive instruction in a state educational institution upon the same conditions, qualifications, and regulations prescribed for other applicants for admission to or scholars in the state educational institution, without the payment of any educational costs for one hundred twenty-four (124) semester credit hours in the state educational institution.

Sec. 3. For purposes of this chapter, the commission for higher education, in consultation with the state student assistance commission, shall define mandatory fees that qualify as educational costs.

Sec. 4. If an eligible applicant:

- (1) is permitted to matriculate in a state educational institution;
- (2) qualifies under this chapter; and
- (3) has earned or has been awarded a cash scholarship that is paid or payable to the state educational institution, from any source;

the amount paid shall be applied to the credit of the eligible applicant in the payment of incidental expenses of the eligible applicant's attendance at the state educational institution. The balance, if the terms of the scholarship permit, must be returned to the eligible applicant.

Sec. 5. Determination of eligibility for higher education benefits authorized under this chapter is vested exclusively in the Indiana department of veterans' affairs. Any applicant for benefits under

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1 this chapter may make a written request for a determination of
 2 eligibility by the Indiana department of veterans' affairs. The
 3 director or deputy director of the Indiana department of veterans'
 4 affairs shall make a written determination of eligibility in response
 5 to each request. In determining the amount of an eligible
 6 applicant's benefit, the state student assistance commission shall
 7 consider other higher education financial assistance in conformity
 8 with this chapter.

9 Sec. 6. An appeal from an adverse determination under section
 10 5 of this chapter must be made in writing to the veterans' affairs
 11 commission not more than fifteen (15) working days following the
 12 applicant's receipt of the determination. A final order must be
 13 made by a simple majority of the veterans' affairs commission not
 14 more than fifteen (15) days following receipt of the written appeal.

15 Sec. 7. A person who knowingly or intentionally submits a false
 16 or misleading application or other document under this chapter
 17 commits a Class A misdemeanor.

18 Sec. 8. The amount of the benefits under this chapter is equal to
 19 one (1) of the following:

20 (1) If the eligible applicant does not receive financial
 21 assistance specifically designated for educational costs, the
 22 amount determined under sections 2 through 6 of this
 23 chapter.

24 (2) If the eligible applicant receives financial assistance
 25 specifically designated for educational costs:

26 (A) the amount determined under sections 2 through 6 of
 27 this chapter; minus

28 (B) the financial assistance specifically designated for
 29 educational costs.

30 SECTION 3. [EFFECTIVE JULY 1, 2008] IC 21-14-10, as added
 31 by this act, applies to eligible applicants who matriculate at a state
 32 educational institution after June 30, 2009.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Veterans Affairs and Public Safety, to which was referred House Bill 1249, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 21-14-1-4, AS ADDED BY P.L.2-2007, SECTION 255, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 4. "Eligible applicant":

(1) for purposes of IC 21-14-4, refers to a person who is eligible for an educational costs exemption for children of veterans under IC 21-14-4;

(2) for purposes of IC 21-14-6, refers to a person who is eligible for an educational costs exemption for the children or surviving spouse of a public safety officer under IC 21-14-6; and

(3) for purposes of IC 21-14-7, refers to a person who is eligible for an educational costs exemption for children and spouses of National Guard members under IC 21-14-7.

(4) for purposes of IC 21-14-10, refers to a person who is eligible for an educational costs exemption for Purple Heart recipients under IC 21-14-10."

Page 1, between lines 11 and 12, begin a new line block indented and insert:

"(4) after September 10, 2001, suffers a service connected disability of at least twenty percent (20%), as determined by the United States Department of Veterans Affairs;".

Page 1, line 12, delete "(4)" and insert "(5)".

Page 1, line 15, delete "(5)" and insert "(6)".

Page 3, after line 11, begin a new paragraph and insert:

"SECTION 3. [EFFECTIVE JULY 1, 2008] IC 21-14-10, as added by this act, applies to eligible applicants who matriculate at a state educational institution after June 30, 2009."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1249 as introduced.)

TINCHER, Chair

Committee Vote: yeas 8, nays 0.

HB 1249—LS 6854/DI 103+



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